

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

JAN - 4 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
The GTE Telephone Operating Companies)	CC Docket No. 92-256
and GTE System Telephone Companies)	
)	
Petition for Waiver of the Commission's GTE)	
ONA Order Requirement to File Intrastate)	
ONA Tariffs Concurrently with the Federal)	
ONA Tariff Filings)	

**GTE's PETITION FOR WAIVER OF THE REQUIREMENT
TO FILE INTRASTATE ONA TARIFFS CONCURRENTLY
WITH FEDERAL ONA TARIFF FILINGS**

The GTE Telephone Operating Companies ("GTOCs") and GTE System Telephone Companies ("GSTCs") (collectively "GTE"), pursuant to Section 1.3 of the Commission's Rules, respectfully request a waiver of the requirement of the *GTE ONA Order*¹ that all intrastate ONA tariffs be filed concurrently with the federal ONA tariff filings.

GTE proposes to carry out the substance of the Commission's requirement by filing intrastate ONA tariffs within thirty days after the effective date of the federal ONA tariffs.

BACKGROUND

The *GTE ONA Order* specifies:

We require that GTE file an ONA plan nine months from release of this Order [April 4, 1994], file federal and state ONA tariffs three months later,

¹ *Application of Open Network Architecture and Nondiscrimination Safeguards to GTE Corporation*, CC Docket No. 92-256, Report and Order, 9 FCC Rcd 4922 (1994) (the "*GTE ONA Order*").

and implement ONA requirements and nondiscrimination safeguards fifteen months after the release of this Order.²

It also says:

While we believe that the schedule we have established for GTE's implementation of ONA is reasonable in light of the experience we have gained in the course of BOC implementation, **we will entertain requests for a waiver ... in appropriate circumstances.**³

DISCUSSION

GTE requests a waiver of the concurrent federal-state tariff filing requirement to the extent that GTE may satisfy the requirement by state-level tariff filings within thirty days of the effective date of the federal ONA tariffs.

The requirement to file both federal and state ONA service tariffs concurrently means that GTE must prepare and file forty-seven ONA tariffs (one federal GTOC tariff, one federal GSTC tariff, twenty-eight intrastate GTOC tariffs and seventeen intrastate GSTC tariffs).

These tariffs are all highly interrelated. A mandated change in the two federal tariffs would likely result in changes in some or all of the state tariffs. If all tariffs, federal and state, must be filed concurrently, it means the state authorities will be presented with tariff filings designed to satisfy federal requirements at a point when the FCC has not finished its examination of the federal tariffs.

Based on its long experience, GTE suggests the state authorities under these circumstances are unlikely to take action on any filed tariffs until the FCC has acted. In

² *GTE ONA Order*, 9 FCC Rcd at 4923, *footnote omitted*.

³ *Id.*, 9 FCC Rcd at 4952 n.127.

GTE's view, then, concurrent filing of all tariffs will not bring the GTE ONA tariffs into effect at the state level any earlier.

GTE suggests a more practical way to proceed is for the Commission to waive the concurrent-filing requirement in favor of a more realistic approach under which GTE will initiate proceedings at the state level by tariff filings within thirty days of the effective date of the federal tariff changes.

In GTE's opinion, this procedure as a practical matter will not delay state implementation of GTE ONA tariffs. It will maintain better relations with the states, since they will not be bombarded with tariff filings designed to meet a federal requirement at a time when there is no federal guidance as to acceptability of those tariff filings to the FCC. It will also permit a more precise fit between the federal tariffs that will go into effect and the state tariff filings, thus avoiding the need for amendment of the state filings – which could lead to unnecessary delay.

For both federal and state agencies, as well as GTE, this procedure should prove to be more efficient and more likely to lead to implementation of the tariffs throughout GTE's serving areas as quickly as possible. Thus, no party will be harmed by granting the requested waiver.

A grant of this request for a waiver of the concurrent-filing requirement will also permit GTE to comply with many applicable intrastate tariff filing regulations. For example, explicit regulations in Indiana, Michigan and Arkansas contemplate filing

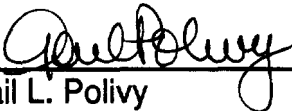
intrastate access tariffs only after the federal tariffs have been filed,⁴ or have become effective,⁵ or only after FCC approval⁶ of the interstate tariff.

Accordingly: GTE respectfully requests a waiver of the concurrent federal-state tariff filing requirement to the extent that GTE may satisfy the requirement by state-level tariff filings within thirty days of the effective date of the federal tariff changes.

Respectfully submitted,

The GTE Telephone Operating Companies
and GTE System Telephone Companies

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January 4, 1995

Their Attorneys

⁴ Indiana Utility Regulatory Commission Cause No. 39369, approved April 30, 1994, at 9 (item 2), *emphasis added*.

⁵ Michigan Public Service Commission, adopted by Opinion and Order dated December 22, 1992 in Case No. U-10064, Attachment C, Item 8, at 22 and 23, adopted February 12, 1992.

⁶ Arkansas Public Service Commission By Order No. 56 in Docket No. 83-042-U issued August 21, 1986, at 4.

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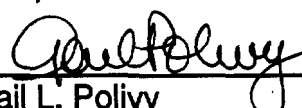
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